

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig.7. This sheet, which includes Fig. 7, replaces the original sheet including Fig.7.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Claims 10, 12, 15, and 17 are amended by this response. Claims 1-9 are canceled. No claims are added. Accordingly, following entry of these amendments and remarks, claims 10-19 will remain pending for examination.

As an initial matter, Applicants confirm the previous oral election without traverse of Group II claims 10-19 drawn to an apparatus. Nonelected method claims 1-9 are accordingly canceled herein without prejudice to filing divisional applications drawn thereto.

In the latest office action, the Examiner requested that Applicants provide a formalized drawing set prepared by a draftsman. Attached hereto is a formalized set of drawings.

Also in the latest office action, the Examiner objected to the existing drawings. The drawing objection to Figure 2 is overcome by amendment to ¶[0055] of the specification as indicated above. Figure 7 is amended in the manner indicated in the attached appendix to include a sixth inlet and third mass flow controller. ¶[0045] and ¶[0048] of the specification have also been amended to describe these elements.

The Examiner further objected to the specification based upon the recitation of a shut off valve in claims 12 and 17. In response, the Examiner is respectfully directed to shut off valve 49 illustrated in Figure 7 and described in ¶[0048].

The Examiner objected to claims 14 and 19 based upon the term "injection valve". The statutory ground for this claim objection is unclear. As a threshold matter, however, the Examiner is respectfully reminded that:

applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose (MPEP 2173.01)

Applicants maintain that the claim term "injection valve" is adequately defined by the specification. If the Examiner disagrees, he is invited to point out with greater specificity any deficiencies in this claim term, and reject the claim under 35 U.S.C. §112 if appropriate.

In conclusion, the Examiner is urged not to place undue emphasis on rejections based on non-prior art rejections such as those set forth above:

The primary object of the examination of an application is to determine whether or not the claims are patentable over the prior art. This consideration

should not be relegated to a secondary position while undue emphasis is given to nonprior art or "technical" rejections. Effort in examining should be concentrated on truly essential matters, minimizing or eliminating effort on technical rejections which are not really critical. (Emphasis added; MPEP 706.03)

Turning now to address rejection of the claims based upon alleged prior art, all claims stand rejected as anticipated by U.S. Patent Publication No. US20030017267 to Mukai et al. ("the Mukai Publication"). These anticipation claim rejections are overcome as follows.

Embodiments in accordance with the present invention relate to a gas supply panel configured to allow a flow of a silicon-containing precursor vaporized in a carrier gas, to bypass a chamber through a divert line, while the flow is stabilized. Upon stabilization, a divert valve is actuated and that same stabilized flow is allowed to pass to the chamber.

Accordingly, pending claim 10 recites in pertinent part:

10. A gas supply panel comprising:
... a second mass flow controller configured be in fluid communication with a carrier gas flow and with a source of silicon-containing precursor through a second inlet;
a divert line configured to be in fluid communication with the second mass flow controller and with a chamber exhaust through a second outlet; and
a divert valve configured to selectively place a stabilized flow of the silicon-containing precursor vaporized in the carrier gas from the second mass flow controller in fluid communication with the delivery line or with the divert line. (Emphasis added)

The other pending independent claim 15 has also been amended to recite similar elements.

The Mukai Publication relied upon by the Examiner does teach a configuration wherein material can be flowed through a divert line. However, the Mukai Publication teaches the use of different carrier gases, depending upon whether the apparatus is operating in a "process mode" or in a "divert mode". (See ¶[0035]). Specifically, while Figure 2 of the Mukai Publication shows "Process Carrier" gas lines in communication with both He and N₂, the distinct "Divert Carrier" gas line is in communication only with a separate N₂ gas source. Thus in the process mode, one mixture of materials (including N₂ and He process carrier gases) is flowing to the chamber, while in the divert mode, a different mixture of materials (including the N₂ divert carrier gas only) is flowing through the divert line to the chamber foreline.

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Based at least upon this difference between the pending claims and the art being relied upon by the Examiner, it is respectfully asserted that the pending claims cannot be viewed as anticipated. Therefore, it is respectfully requested that the claim rejections be withdrawn.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

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